UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

THEODORE FRANCIS STEWART, Plaintiff, vs. COUNTY OF SPOKANE, et al., Defendants.	NO. CV-09-366-JLQ ORDER DISMISSING COMPLAINT AND DIRECTING THAT COLLECTION OF THE FILING FEE CEASE

BEFORE THE COURT is Plaintiff's document titled "Motion to Involuntary [sic] Dismiss Complaint" (Ct. Rec. 9), received on February 11, 2010. By Order filed December 10, 2009, the court had advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days. Plaintiff, a prisoner at the Stafford Creek Correction Center in Aberdeen, Washington, is proceeding *pro se* and *in forma pauperis*; Defendants have not been served.

Plaintiff asks the court to dismiss his complaint, claiming he is not competent to proceed in a timely manner. The court will liberally construe Mr. Stewart's submission as a Motion to Voluntarily Dismiss Complaint pursuant to Fed. R. Civ. P. 41(a). Accordingly, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 9) is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED the institution having custody of Mr. Stewart shall cease collection of the filing fee in this action, cause number **CV-09-366-JLQ.**

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IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff and close the file. The District Court Executive is further directed to send a copy of this Order to the Office of the **Department of Corrections, Attn: LFO/COS UNIT, P.O. Box 41107, Olympia, WA 98504-1107,** to forward to the appropriate agency having custody of Plaintiff. The District Court Executive also **shall** provide a copy of this Order to the Financial Administrator for the United States District Court, Eastern District of Washington. The court finds an appeal of this Order would not be taken in good faith.

DATED this 13thday of February 2010.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE

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